

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency
Office of the General Counsel



MLA 07-09 (Investigations, CPR)
September 06, 2007

Memorandum of Legal Advice

Issue

Can CFSA investigate allegations of child maltreatment of a child committed to CFSA if the maltreatment allegedly occurred in another jurisdiction?

Conclusion

For the reasons below, we have concluded that:

CFSA can do an investigation by reviewing, assisting and generally cooperating with the investigation being conducted in the other jurisdiction. However, it may not conduct a "typical" child protection investigation owing to jurisdiction constraints. CFSA is obligated to conduct an investigation of any and all allegations of abuse and neglect of DC wards. D.C. Code §4-1301.04. The results of the extra-jurisdictional investigation(s), along with the Agency's limited investigatory activity will therefore constitute CFSA's "official investigation" and serve as the basis for any further actions it deems necessary.

Analysis

CFSA investigates allegations of child maltreatment to its children in an out of state setting by asking the out of state social worker and local law enforcement to investigate for CFSA. This is because DC's police powers, as well as CFSA's investigative ability end at the District of Columbia border.

The CFSA is established in the DC Code under D.C. Code §4-1303.01a. Subsection (a) reads, "There is established as a separate Cabinet-level agency, subordinate to the Mayor, the Child and Family Services Agency."

DC Code §5-101.03 establishes the General Duties of the Mayor. The preamble to the list of duties states, "It shall be the duty of the Mayor of the District of Columbia at all times of the day and night within the boundaries of said Police District . . ." to perform delineated functions.

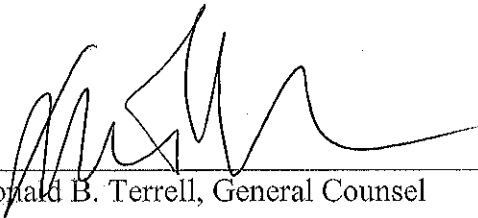
The boundaries of the Police District are defined under DC Code §5-101.02. "The Metropolitan Police District of the District of Columbia shall be coextensive with the District of Columbia . . ." The American Heritage Dictionary defines "coextensive" as an adjective that means having the same limits, boundaries, or scope.

The Mayor's duties fall within the boundaries of the District of Columbia and since CFSA is subordinate to the Mayor all of its duties and powers must also fall within the District of Columbia. Thus, CFSA is not allowed to investigate allegations of neglect to its children in an out of state foster home except to investigate the investigation conducted by the out of state authorities.

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